

Docket No.: 4068-0002-0 PCT

ASSISTANT COMMISSIONER OF PATENTS
WASHINGTON, D.C. 20231

Boy PCT Legal

RE: Application Serial No.: 09/424,247
Applicant(s): FRANCIS VANDERBIST ET AL
Filing Date: NOVEMBER 30, 1999
GAU: PCT LEGAL OFFICE
Examiners: KRATZ, C.
SMITH, L.
For: DRY POWDER INHALER EXCIPIENT, PROCESS FOR
ITS PREPARATION AND PHARMACEUTICAL
COMPOSITIONS CONTAINING IT

SIR:

Attached hereto for filing are the following papers:

Request for Reconsideration of Decision to Dismiss Petition
Declaration of Philippe Baudier w/Exhibits 1-4
Request for Extension of Time (3 mos.)

Our check in the amount of \$870.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
FRANCIS VANDERBIST ET AL : ATTN: PCT LEGAL OFFICE
SERIAL NO: 09/424,247 :
FILED: NOVEMBER 30, 1999 : EXAMINERS: KRATZ, C.
SMITH, L.
FOR: DRY POWDER INHALER :
EXCIPIENT, PROCESS FOR :
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TIONS CONTAINING IT :

RECEIVED

27 SEP 2000

**Legal Staff
International Division**

REQUEST FOR RECONSIDERATION
OF DECISION TO DISMISS PETITION
UNDER 37 CFR 1.47(a)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Applicants respectfully request reconsideration of the Decision of May 5, 2000, to dismiss the petition under 37 CFR 1.47(a) of November 30, 1999, in view of the attached Declaration of Phillippe Bauchier.

Notably, the Declaration clearly establishes, with documentation, the extensive, yet unsuccessful, efforts made to obtain the signature of one co-inventor, Paul Maes, on Declaration and Assignment forms for this application. That is, the Declaration establishes the recalcitrance of Paul Maes in refusing to sign these documents. Thus, the attached Declaration clearly satisfies 37 CFR 1.47 (a)(2).

RELIEF REQUESTED

It is believed that the attached Declaration of Phillippe Baudier satisfies 37 CFR 1.47(a)(2), such that all four requirements of 37 CFR 1.47 are now satisfied.

Accordingly, it is urged that this application now be accepted and that national stage application status therefor be granted.

Favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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